

PATENT
Application Serial No. 09/887,804
Attorney Docket No. COS01001

REMARKS

In the non-final Office Action, dated March 12, 2004, the Examiner rejects claims 1-68 under 35 U.S.C. § 103(a) as unpatentable over HOFFMAN et al. (U.S. Patent No. 6,397,198) in view of FROMM (U.S. Patent No. 6,266,640). Applicants respectfully traverse this rejection.

By this amendment, Applicants amend claims 7, 27, 43, 44, and 46 to improve form. Claims 1-68 remain pending.

Claims 1-68 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over HOFFMAN et al. in view of FROMM. Applicants respectfully traverse this rejection.

Independent claim 1 is directed to a computerized method for authenticating an electronic transaction between a user and a computer, where the computer is configured to conduct electronic transactions. The method includes receiving a computer-generated transaction identifier from the computer via an electronic data link; receiving a user-spoken transaction identifier and a user-spoken verification identifier transmitted by the user via a voice connection; comparing the user-spoken transaction identifier with the computer transaction identifier; comparing the user-spoken verification identifier with a voice print of the user; and transmitting an authentication message to the computer if the user-spoken transaction identifier matches the computer-generated transaction identifier and if the user-spoken verification identifier matches the voice print. HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination, do not disclose or suggest this combination of features.

For example, HOFFMAN et al. and FROMM do not disclose receiving a computer-generated transaction identifier from the computer via an electronic data link. The Examiner relies on lines 1-7 of the Abstract, and col. 2, lines 38-59, of HOFFMAN et al. for allegedly

PATENT
Application Serial No. 09/887,804
Attorney Docket No. COS01001

disclosing this feature (Office Action, pp. 1-2). Applicants submit that these sections of HOFFMAN et al. do not disclose or suggest this feature of claim 1.

In the Abstract, at lines 1-7, HOFFMAN et al. discloses:

The invention discloses a tokenless biometric identification computer system, comprising at least a database containing registered biometric samples of users. A comparator compares a bid biometric sample of a user to at least one registered biometric sample, the bid biometric sample obtained directly from the user during an identification process for conducting an electronic transaction by the user.

This section of HOFFMAN et al. merely discloses that a bid biometric sample of a user is compared to at least one registered biometric sample. This section of HOFFMAN et al. does not disclose or suggest receiving a computer-generated transaction identifier from the computer via an electronic data link, as required by claim 1. In fact, this of HOFFMAN et al. in no way relates to receiving any type of data from a computer that conducts an electronic transaction with a user. Instead, this section of HOFFMAN et al. is related to the user providing a bid biometric sample.

At col. 2, lines 38-59, HOFFMAN et al. discloses:

The invention discloses a tokenless biometric identification computer system comprising at least a database containing registered biometric samples of users. A comparator compares a bid biometric sample of a user to at least one registered biometric sample wherein the bid biometric sample is obtained directly from the user during an identification process for conducting an electronic transaction by the user. An audio signature is associated with a transaction processor entity and is stored in the computer system, where the transaction processor entity is responsible for conducting the electronic transaction. A sound generator generates an analog or digital signal from the stored audio signature, and a transducer converts the analog or digital signal to a play back audio signature. This invention generates a play back audio signature from the stored audio signature that is associated with the transaction processor entity and the play back audio signature is played back to the user to identify the transaction processor entity that conducted the electronic transaction. This system operates without any man made personal devices such as credit cards, identity cards or the like is used during the identification process for conducting the electronic transaction.

Similar to the section of the Abstract reproduced above, this section of HOFFMAN et al. merely

PATENT
Application Serial No. 09/887,804
Attorney Docket No. COS01001

discloses that a bid biometric sample of a user is compared to at least one registered biometric sample. This section of HOFFMAN et al. also discloses that a previously stored audio signature relating to the payee may be played for the user. This section of HOFFMAN et al. does not disclose or suggest receiving a computer-generated transaction identifier from the computer via an electronic data link, as required by claim 1. If this rejection is maintained, Applicants request that the Examiner specifically point out where in HOFFMAN et al. the above feature of claim 1 is recited.

FROMM is directed to verifying a user's voice prior to permitting the user to conduct a business transaction over a data network (Abstract). The disclosure of FROMM does not remedy the above deficiencies in the disclosure of HOFFMAN et al. That is, FROMM does not disclose or suggest receiving a computer-generated transaction identifier from the computer via an electronic data link, as required by claim 1.

HOFFMAN et al. and FROMM do not further disclose receiving a user-spoken transaction identifier transmitted by the user via a voice connection, as also required by claim 1. The Examiner appears to admit that HOFFMAN et al. does not disclose this feature and relies on FROMM for allegedly disclosing "a technique for verifying a user's voice prior or the user's identity by user of a voice print before allowing the user to engage in commercial transactions" (Office Action, pg. 2). Regardless of the veracity of the Examiner's allegation regarding FROMM, the Examiner does not point to any section of FROMM for disclosing receiving a user-spoken transaction identifier transmitted by the user via a voice connection, as required by claim 1. Since the Examiner completely ignored this feature, Applicants submit that the Examiner has not established a *prima facie* case of obviousness with respect to claim 1. If this rejection is

PATENT
Application Serial No. 09/887,804
Attorney Docket No. COS01001

maintained, Applicants request that the Examiner specifically point out where this feature is disclosed in FROMM.

Nevertheless, as set forth above, FROMM discloses verifying a user's voice prior to permitting the user to conduct a business transaction over a data network (Abstract). FROMM does not disclose or even suggest receiving a user-spoken transaction identifier transmitted by the user via a voice connection, as required by claim 1.

Since HOFFMAN et al. and FROMM do not disclose receiving a computer-generated transaction identifier from the computer via an electronic data link or receiving a user-spoken transaction identifier and a user-spoken verification identifier transmitted by the user via a voice connection, HOFFMAN et al. and FROMM cannot disclose comparing the user-spoken transaction identifier with the computer transaction identifier, as also required by claim 1.

For at least the foregoing reasons, Applicants submit that claim 1 is patentable over HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination.

Claims 2-25 depend from claim 1. Therefore, Applicants submit that these claims are patentable over HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Moreover, these claims recite additional features not disclosed or suggested by the combination of HOFFMAN et al. and FROMM.

For example, claim 2 recites that the computer transaction identifier is generated by the computer in response to the electronic transaction conducted between the user and the computer. Since HOFFMAN et al. and FROMM do not disclose a transaction identifier, HOFFMAN et al. and FROMM cannot disclose or suggest the feature of claim 2. The Examiner did not

PATENT
Application Serial No. 09/887,804
Attorney Docket No. COS01001

specifically address this feature in the Office Action. Accordingly, a *prima facie* case of obviousness has not been established with respect to claim 2. Applicants request that the Examiner specifically point out where the feature of Applicants' claim 2 is disclosed in the art of record or withdraw the rejection.

For at least these additional reasons, Applicants submit that claim 2 is patentable over HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination.

Claim 7 recites that the receiving a user-spoken transaction identifier and the receiving a user-spoken verification identifier are performed within a predetermined time from completing the electronic transaction. Since HOFFMAN et al. and FROMM do not disclose a transaction identifier, HOFFMAN et al. and FROMM cannot disclose or suggest the feature of claim 7. The Examiner did not specifically address this feature in the Office Action. Accordingly, a *prima facie* case of obviousness has not been established with respect to claim 7. Applicants request that the Examiner specifically point out where the feature of Applicants' claim 7 is disclosed in the art of record or withdraw the rejection.

For at least these additional reasons, Applicants submit that claim 7 is patentable over HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination.

Claim 8 recites that the predetermined time is about five minutes. The Examiner did not specifically address this feature in the Office Action. Accordingly, a *prima facie* case of obviousness has not been established with respect to claim 8. Applicants request that the Examiner specifically point out where the feature of Applicants' claim 8 is disclosed in the art of record or withdraw the rejection.

For at least these additional reasons, Applicants submit that claim 8 is patentable over

PATENT
Application Serial No. 09/887,804
Attorney Docket No. COS01001

HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination.

Claim 14 recites that the user conducts the electronic transaction by communicating with a bank teller. With respect to this feature, the Examiner alleges that "the electronic payment of Hoffman is inherently includes bank teller or an ATM, since the teaching of Hoffman is capable of doing electronic payment as issuing by transactions processor entities such as Visa, Macy's" (Office Action, pg. 2). Applicants respectfully disagree.

M.P.E.P. § 2112 requires the Examiner, when relying on the theory of inherency, to provide "a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). The Examiner has not provided the necessary showing articulated in M.P.E.P. § 2112 to support the inherency assertion. For example, the Examiner has not logically explained why the electronic payment system disclosed in HOFFMAN et al. inherently includes a bank teller. Accordingly, the Examiner's inherency allegation is improper.

For at least these additional reasons, Applicants submit that claim 14 is patentable over HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination.

Claim 16 recites that the user conducts the electronic transaction using a wireless device. The Examiner did not specifically address this feature in the Office Action. Accordingly, a *prima facie* case of obviousness has not been established with respect to claim 16. Applicants request that the Examiner specifically point out where the feature of Applicants' claim 16 is disclosed in the art of record or withdraw the rejection.

For at least these additional reasons, Applicants submit that claim 16 is patentable over

PATENT
Application Serial No. 09/887,804
Attorney Docket No. COS01001

HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination.

Claim 17 recites that the user conducts the electronic transaction using a hand-held device. The Examiner did not specifically address this feature in the Office Action.

Accordingly, a *prima facie* case of obviousness has not been established with respect to claim 17. Applicants request that the Examiner specifically point out where the feature of Applicants' claim 17 is disclosed in the art of record or withdraw the rejection.

For at least these additional reasons, Applicants submit that claim 17 is patentable over HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination.

Claim 19 recites receiving at least one user-spoken command for controlling web-site navigation, where the at least one user-spoken command is transmitted by the user via a telephonic voice connection; converting the at least one user-spoken command into at least one computer-readable command; transmitting the at least one computer-readable command to the computer; and executing the at least one computer-readable command, using the computer, whereby the user controls web-site navigation of the Internet web-site by voice command via the telephonic voice connection. HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination, do not disclose or suggest these features.

The Examiner did not address these features in the Office Action. Accordingly, a *prima facie* case of obviousness has not been established with respect to claim 19. Applicants request that the Examiner specifically point out where the features of Applicants' claim 19 is disclosed in the art of record or withdraw the rejection.

For at least these additional reasons, Applicants submit that claim 19 is patentable over HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination.

PATENT
Application Serial No. 09/887,804
Attorney Docket No. COS01001

Independent claim 27 recites features similar to features given above with respect to claim 1. For example, claim 27 recites that the voice browser is programmed to compare a user-spoken transaction identifier to a computer-generated transaction identifier. For reasons similar to reasons given above with respect to claim 1, Applicants submit that claim 27 is patentable over HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination.

Claims 28-62 depend from claim 27. Therefore, these claims are patentable over HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 27. Moreover, these claims are patentable over HOFFMAN et al. and FROMM for reasons of their own.

For example, the Examiner did not address the features recited in claims 28-50, 54-60, and 62. Accordingly, a *prima facie* case of obviousness has not been established with respect to claims 28-50, 54-60, and 62. Applicants request that the Examiner specifically point out where the features of Applicants' claims 28-50, 54-60, and 62 are disclosed in the art of record or withdraw the rejection.

For at least these additional reasons, Applicants submit that claims 28-50, 54-60, and 62 are patentable over HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination.

Independent claim 63 recites features similar to features given above with respect to claim 1. For example, claim 63 recites receiving a transaction identifier from the computer via an electronic data link in response to performing the electronic transaction, receiving a user-spoken transaction identifier, and comparing the user-spoken transaction identifier with the computer transaction identifier. For reasons similar to reasons given above with respect to claim

PATENT
Application Serial No. 09/887,804
Attorney Docket No. COS01001

I, Applicants submit that claim 63 is patentable over HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination.

Claim 64 depends from claim 63. Therefore, this claim is patentable over HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 63.

Independent claim 65 recites features similar to features given above with respect to claim 1. For example, claim 65 recites conducting a transaction between the user computer and the web-site, where the web-site transmits a transaction identifier to the user computer and the authentication system in response to the transaction; and receiving a user-spoken transaction identifier and a user-spoken verification identifier via a telephonic connection, where the authentication system is programmed to compare the user-spoken transaction identifier to the transaction identifier and the user-spoken verification identifier to the pre-registered voice print. For reasons similar to reasons given above with respect to claim 1, Applicants submit that claim 65 is patentable over HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination. Moreover, claim 65 recites features similar to features recited in claim 19. Therefore, Applicants submit that claim 65 is further patentable over HOFFMAN et al. and FROMM for reasons similar to reasons given above with respect to claim 19.

Claims 66-68 depend from claim 65. Therefore, these claims are patentable over HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 65.

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

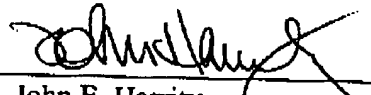
PATENT
Application Serial No. 09/887,804
Attorney Docket No. COS01001

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 13-2491 and please credit any excess fees to such deposit account.

Respectfully submitted,

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